

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**PLAINTIFF CATHERINE ALEXANDER'S FIRST SET OF REQUESTS FOR  
ADMISSION TO DEFENDANT 2K SPORTS, INC.**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff Catherine Alexander (“Alexander”) serves the following requests for admission on Defendant 2K Sports, Inc. (“2K Sports”).

Definitions applying to these requests for admission are set forth in Appendix A.

## **REQUESTS FOR ADMISSION**

1. Admit that 2K Sports developed the Infringing Games.

## **RESPONSE:**

2. Admit that 2K Sports designed the Infringing Games.

## RESPONSE:

3. Admit that 2K Sports programmed the Infringing Games.

## RESPONSE:

4. Admit that 2K Sports marketed the Infringing Games.

**RESPONSE:**

5. Admit that 2K Sports entered into an agreement with the following co-defendants related to the Infringing Games:

- a. WWE
- b. 2K Games
- c. Take-Two
- d. Visual Concepts
- e. Yuke's
- f. Yuke's LA

**RESPONSE:**

6. Admit that 2K Sports played no role in the creation of the Tattoo Works.

**RESPONSE:**

7. Admit that 2K Sports played no role in the design of the Tattoo Works.

**RESPONSE:**

8. Admit Alexander created the Tattoo Works.

**RESPONSE:**

9. Admit that the Tattoo Works are original works of authorship.

**RESPONSE:**

10. Admit that the Tattoo Works are expressive works of authorship.

**RESPONSE:**

11. Admit that 2K Sports knew that the Tattoo Works were created by another authorship.

**RESPONSE:**

12. Admit that 2K Sports does not own any rights in the Tattoo Works.

**RESPONSE:**

13. Admit that before the first Infringing Game was released, 2K Sports knew that Alexander was the author of the Tattoo Works.

**RESPONSE:**

14. Admit that the portrayal of the Tattoo Works on the Orton Character in the Infringing Games is substantially similar to the Tattoo Works as they appear on Mr. Orton's body.

**RESPONSE:**

15. Admit that 2K Sports had access to the Tattoo Works.

**RESPONSE:**

16. Admit the Tattoo Works were used as a starting point in creating the Orton Character in the Infringing Games.

**RESPONSE:**

17. Admit the Tattoo Works were used as a starting point in designing the Orton Character in the Infringing Games.

**RESPONSE:**

18. Admit the Tattoo Works were used as a starting point in developing the Orton Character in the Infringing Games.

**RESPONSE:**

19. Admit the Tattoo Works were used as a reference in creating the Orton Character in the Infringing Games.

**RESPONSE:**

20. Admit the Tattoo Works were used as a reference in designing the Orton Character in the Infringing Games.

**REPONSE:**

21. Admit the Tattoo Works were used as a reference in developing the Orton Character in the Infringing Games.

**RESPONSE:**

22. Admit that 2K Sports never obtained authorization from Alexander related to the Tattoo Works.

**RESPONSE:**

23. Admit that 2K Sports never obtained authorization from Alexander related to the display of Randy Orton in the Infringing Games.

**RESPONSE:**

24. Admit that the Infringing Games were sold in October of 2015.

**RESPONSE:**

25. Admit that the Infringing Games were sold in October of 2016.

**RESPONSE:**

26. Admit that the Infringing Games were sold in October of 2017.

**RESPONSE:**

27. Admit that Mr. Orton's likeness is prominently featured in the Infringing Games.

**RESPONSE:**

28. Admit that before the first Infringing Game was released, 2K Sports knew that copies of the Tattoo Works were featured in the game.

**RESPONSE:**

29. Admit that before the first Infringing Game was released, 2K Sports knew the developers of the Infringing Games had referenced the Tattoo Works.

**RESPONSE:**

30. Admit that before the first Infringing Game was released, 2K Sports knew the developers of the Infringing Games made use of the Tattoo Works.

**RESPONSE:**

31. Admit that before the first Infringing Game was released, 2K Sports knew the creators of the Infringing Games has referenced the Tattoo Works.

**RESPONSE:**

32. Admit that before the first Infringing Game was released, 2K Sports knew the creators of the Infringing Games made use of the Tattoo Works.

**RESPONSE:**

33. Admit that before the first Infringing Game was released, WWE reviewed the Infringing Game.

**RESPONSE:**

34. Admit that before the first Infringing Game was released, WWE approved the Infringing Game.

**RESPONSE:**

35. Admit that WWE's approval was required prior to sale of the Infringing Games.

**RESPONSE:**

36. Admit that 2K Sports has received a financial benefit as a result of the use of the Tattoo Works in the Infringing Games.

**RESPONSE:**

Dated: September 14, 2018

Respectfully submitted,

**THE SIMON LAW FIRM, P.C.**

/s/ Anthony G. Simon  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all counsel of record via electronic mail and this Court's CM/ECF system on September 14, 2018.

/s/ Anthony G. Simon

**APPENDIX A**

**DEFINITIONS**

As used in these requests for admission:

1. The terms “2K Sports,” “you,” “your,” and/or “Defendant,” means 2K Sports, Inc., as well as any parents, subsidiaries, divisions, affiliates, predecessors, successors, and assigns, and all of 2K Sports, Inc.’s current and former officers, directors, owners, shareholders, employees, contractors, agents, attorneys and representatives or any other person or entity acting in whole or in part in concert with any of the foregoing.
2. The terms “Plaintiff” or “Alexander” means Catherine Alexander.
3. The term “Infringing Games” means videogames WWE 2K16, WWE 2K17 and WWE 2K18, the videogames that provide the basis for the copyright infringements asserted against 2K Sports in this lawsuit.
4. The term “Tattoo Works” means the tattoo artwork at issue in this lawsuit that Alexander tattooed on Randy Orton’s back, neck, and arms.
5. The term “Mr. Orton” refers to professional wrestler, Randy Orton.
6. The term “Orton Character” refers to the digital representation of professional wrestler, Randy Orton, in the Infringing Games.